

Appl. No. : 10/713,820
Filed : November 14, 2003

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REMARKS

With this Amendment, Claims 44-57 are pending. Claims 1-43 have been canceled, Claims 45-49 and 51-55 have been previously presented, Claims 44 and 50 have been amended and Claims 56 and 57 have been added.

Rejections For Double Patenting

Claims 44-45 and 48-55 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 3-4, 8-13, 17-22 of U.S. Patent No. 6,187,000. Applicants disagree with Examiner's double patenting rejection. Furthermore, in view of the Claims as amended, Applicants submit that the double patenting rejection is inappropriate and request reconsideration.

Rejections Under 35 U.S.C. § 102

Claims 44-55 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Murdock (U.S. Patent No. 3,044,461). Applicants disagree with Examiner's § 102(b) rejection. Furthermore, in view of the amendments to the claims, Applicants submit that the § 102(b) rejection is inappropriate and request reconsideration. For example, nowhere does Murdock teach or suggest "an arcuate guide having a first end and a second end along which a portion of the elongate body is moveable from its contracted condition to its expanded condition, the arcuate guide extending generally in the direction of expansion between the contracted and expanded conditions" as recited by Claim 44 as amended. In addition, nowhere does Murdock teach or suggest "a guiding mechanism comprising a curved portion extending in a generally transverse direction along which a portion of the elongate body is moveable from its contracted condition to its expanded condition" as recited by Claim 50 as amended.

Applicants respectfully submit that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion or that the limitation discussed is essential or critical; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's

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assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence, disclaimer or estoppel is intended or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: December 27, 2006

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AMEND

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